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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,781	08/19/2003	Horst Schonebeck	60,130-1872;02MRA0412	4111

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EXAMINER

SALVATORE, LYNDIA

ART UNIT PAPER NUMBER

1771

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/643,781	SCHONEBECK, HORST	
	Examiner	Art Unit	
	Lynda M. Salvatore	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment and accompanying remarks filed 06/09/2005 have been fully considered and entered. Claims 1, 5, 7-12, 14, 17 and 19 have been amended and new claims 20-22 have been added as requested. Applicant's amendment to claim 17 is found sufficient to overcome the claim objection set forth in section 1 of the last Office Action. Applicant's arguments are not found persuasive of patentability for reasons set forth herein below.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-3, 6, 13 and 16-18 stand rejected under 35 U.S.C. 102(b) as being anticipated by Burmester et al., US 4,486,493 for reasons set forth in section 3 of the last Office Action. Additionally, new claims 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Burmester et al., US 4,486,493 for reasons set forth in section 3 of the last Office Action.

Applicant argues the Examiner's analogous reasoning with respect to the spring layer and buffer layer taught by Burmester et al. Specially Applicant disagrees that the buffer layer of Burmester et al., is not analogous to the claimed decorative layer and the spring layer of Burmester et al., is not analogous to the claimed barrier layer. Applicant submits that the buffer layer taught by Burmester et al., is not decorative and is not visible. With regard to the claimed barrier layer, Applicant argues that the barrier layer is an air-permeable fleece produced from cellulose having fibers bonded to each other by a binding agent. Applicant submits that the spring layer of Burmester et al., is not air permeable and consists of coarse fibers connected only

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at the intersection of the fibers to form a plurality of hollow spaces to allow spring compression. These arguments are not found persuasive on the grounds that Applicant's arguments are not commensurate in scope with the claimed subject matter.

With respect to the Examiner's analogous reasoning between the prior art buffer layer and claimed decorative layer, the Examiner respectfully points out that Applicant has not specifically claimed a visible decorative layer or a layer of any specific type of material having a pattern, embossing, or "decoration" which would serve to patently distinguish over any layer material. In other words, the mere recitation that a layer is decorative does not automatically patently distinguish from any other prior art layer positioned in the claimed manner. Thus, the Examiner maintains that the prior art buffer layer presently meets all of the structural limitations of the claimed decorative layer set forth.

With respect to the Examiner's analogous reasoning between the prior art spring layer and claimed barrier layer, the Examiner respectfully points out that Applicant is not claiming a cellulose fleece bonded with a binding agent. Rather, Applicant claims an air-permeable fleece. In the textile art, generally fleece is defined as a soft bulky deep-piled knitted or woven fabric (<http://www.merriam-webster.com/mw/netdict.htm>). To that end, Burmester et al., teach a spring layer comprising a knitted network of fibers (claims 1,2 and 11). As such, it is the position of the Examiner that spring layer of Burmester et al., presently meet all of the structural limitations of the claimed barrier layer set forth.

With respect to claim 20, the recitation of "cooperate to form a roof liner" constitutes an intended use. Since the prior art meets all the chemical and/or structural features presently set

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forth there is nothing on record to evidence that the structure provided by Burmester et al., could not function as a roof liner.

4. Claims 1,2,6,13,17 and 19 stand rejected under 35 U.S.C. 102(b) as being anticipated by Volland et al., US 4,618,532 for reasons set forth in section 4 of the last Office Action.

Additionally, new claims 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by ~~Burmester et al., US 4,486,493~~ ^{Volland et al., US 4,618,532} for reasons set forth in section ~~3~~⁴ of the last Office Action.

Applicant argues that the barrier layer of Volland et al., is not initially air permeable and is only rendered air permeable after a mechanical needling process. As such, Applicant submits since the barrier layer of the instant invention is claimed from the onset as air permeable that the Volland et al., article does not serve to anticipate the claimed invention. This argument is not found persuasive on the grounds that the final product structure of Volland et al., is an air permeable cover (abstract). It is the position of the Examiner that the manipulative intermediate method steps employed by Volland et al., to render the final covering permeable are not relevant to the claimed invention. Clearly, the final structure of Volland et al., is intended to be air permeable (column 1, 55-65). In the final product structure, Volland et al., teach a multi-layer permable covering structure comprising an upper polyamide textile layer and a lower knitted polyamide layer bonded to a foam layer. As such, it is the position of the Examiner that the final product structure of Volland et al., presently meets all of the structural features set forth and as such anticipates the claimed invention.

With respect to claim 20, the recitation of "cooperate to form a roof liner" constitutes an intended use. Since the prior art meets all the chemical and/or structural features presently set

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forth there is nothing on record to evidence that the structure provided by Volland et al., could not function as a roof liner.

Claim Rejections - 35 USC § 102/103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claim 10 stands rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Burmester et al., US 4,486,493 and/or Volland et al., US 4,618,532 for reasons set forth in section 6 of the last Office Action.

The rejection of claim 1 from which claim 10 depends is maintained as set forth above and Applicant has not presented any new arguments for which to consider.

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 11,12,14 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Burmester et al., US 4,486,493 and/or Volland et al., US 4,618,532 as applied to claim 1 and further in view of O'Brien et al., WO 01/26932 A1 for reasons set forth in the last Office Action.

The rejection of claim 1 from which claims 11,12,14 and 15 depend is maintained as set forth above and Applicant has not presented any new arguments for which to consider.

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9. Claims 7-9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Burmester et al., US 4,486,493 and/or Volland et al., US 4,618,532 as applied to claim 1 and further in view of Pelzer et al., US 6,010,870 for reasons set forth in the last Office Action.

The rejection of claim 1 from which claims 7-9 depend is maintained as set forth above and Applicant has not presented any new arguments for which to consider.

10. Claims 4-5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Burmester et al., US 4,486,493 and/or Volland et al., US 4,618,532 as applied to claim 1 and further in view of Marcovecchio, US 2002/0176980 A1 as set forth in the last Office Action.

The rejection of claim 1 from which claims 4-5 depend is maintained as set forth above and Applicant has not presented any new arguments for which to consider.

11. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burmester et al., US 4,486,493 and/or Volland et al., US 4,618,532 and further in view of O'Brien et al., WO 01/26932 A1.

The prior art of Burmester et al., and/or Volland et al., does not teach providing a fiber mat on the rear side of the foam layer, however, the published PCT application issued to O'Brien et al., teaches a prior art trim panel comprising a foam backing (10) next to a porous fiberglass mat (12). O'Brien teaches that a urethane foam is sprayed on foam backing (10) such that it expands to produce foam (16) (page 1, 14-20 and Figures 1 and 2). The prior art trim further comprises a foam backed cloth (22) comprising a cloth layer (24) and a foam layer (26). The prior art trim further includes an adhesive/barrier layer (28). The published prior PCT also teaches an improvement over the prior art, which comprises all of the above layers except the adhesive/barrier layer (Figures 5 and 6 and Page 5, 15-20). With regard to claim 14, it is the

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position of the Examiner that since the foam backing (10) rises such that it expands and extends through porous fiberglass mat (12) to form foam layer (16), the limitation of providing a fiber reinforced foam would inherently be met. It is the position of the Examiner that the fiberglass mat is provided as structural reinforcement for the foam layer.

Therefore, motivated by the desire to provide a reinforced cushioning element it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the foam layers taught by Burmester et al., and/or Volland et al., with the fiberglass mat taught by O'Brien et al.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M. Salvatore whose telephone number is 571-272-1482. The examiner can normally be reached on M-F.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 21, 2005

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